

AMENDED IN ASSEMBLY MARCH 13, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3027**

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**Introduced by Assembly Member De Leon**

February 22, 2008

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An act to add Section 1367.041 to the Health and Safety Code, and to add Section 10133.81 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 3027, as amended, De Leon. Health care coverage: disclosures: foreign languages.

Existing law provides for *the* licensing and regulation of health care service plans by the Department of Managed Health Care. Existing law provides for ~~licensing and the~~ regulation of health insurers by the *Department of Insurance-Commissioner*. Existing law provides that a willful violation of provisions governing health care service plans is a crime.

Existing law requires health care service plans and health insurers to make various disclosures relative to health care benefits covered by the plan or insurer and various other matters, and to provide ~~access to~~ translated materials *and interpreters* in specified situations pursuant to regulations adopted by the Director of *the Department of Managed Health Care* or the Insurance Commissioner, as applicable.

~~This~~

~~By January 30, 2009, this bill would require all required disclosures by health care service plans and health insurers relating to benefits and cost-sharing to be made available to consumers in the 12 most prominent languages spoken in California the Department of Managed Health~~

Care and the Department of Insurance to jointly develop a uniform document in all Medi-Cal threshold languages to be distributed, on and after March 2, 2009, by every health care service plan and health insurer to their enrollees, subscribers, insureds, or policy holders annually and with specified correspondence for purposes of providing information on, and arranging for, interpreter services pursuant to plan or insurer toll-free telephone numbers, as specified. Because a willful violation of this requirement by a health care service plan would be a crime, this bill would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 1367.041 is added to the Health and
- 2     Safety Code, to read:
- 3     1367.041. (a) On or before January 30, 2009, the department
- 4     and the Department of Insurance shall jointly develop a uniform
- 5     document in all Medi-Cal threshold languages for distribution
- 6     pursuant to subdivision (b) that contains the following statements:
- 7     “IMPORTANT: You can get FREE interpreting assistance to talk
- 8     to your doctor or health plan or insurer. Call your health plan’s
- 9     or insurer’s toll-free telephone number located on this page and
- 10    they will arrange for an interpreter to help you. You can also ask
- 11    if there are materials written in your language.” The document
- 12    shall also include appropriate contact information for the
- 13    department and the Department of Insurance to assist enrollees,
- 14    subscribers, policyholders, or insureds with difficulties in, or
- 15    complaints about, accessing their health care service plans or
- 16    insurers.
- 17    (b) On and after March 2, 2009, every health care service plan
- 18    shall distribute the document described in subdivision (a) with
- 19    annual enrollment or disenrollment correspondence, all notices
- 20    and forms, and any appointment-related information. The document

1 *shall also be mailed to all enrollees in at least one separate mailing*  
2 *on June 1 of each year.*

3 *(c) Every health care service plan shall, upon distribution*  
4 *pursuant to subdivision (b), include on the document the plan's*  
5 *specific toll-free telephone number for purposes of enrollee*  
6 *assistance in arranging those services.*

7 *(d) The department shall monitor plan compliance with this*  
8 *section as part of its regular auditing and oversight process.*

9 *SEC. 2. Section 10133.81 is added to the Insurance Code, to*  
10 *read:*

11 *10133.81. (a) On or before January 30, 2009, the department*  
12 *and the Department of Managed Health Care shall jointly develop*  
13 *a uniform document in all Medi-Cal threshold languages for*  
14 *distribution pursuant to subdivision (b) that contains the following*  
15 *statements: "IMPORTANT: You can get FREE interpreting*  
16 *assistance to talk to your doctor or health plan or insurer. Call*  
17 *your health plan's or insurer's toll-free telephone number located*  
18 *on this page and they will arrange for an interpreter to help you.*  
19 *You can also ask if there are materials written in your language."*  
20 *The document shall also include appropriate contact information*  
21 *for the department and the Department of Managed Health Care*  
22 *to assist enrollees, subscribers, policyholders, or insureds with*  
23 *difficulties in, or complaints about, accessing their health plans*  
24 *or insurers.*

25 *(b) On and after March 2, 2009, every insurer shall distribute*  
26 *the document described in subdivision (a) with annual enrollment*  
27 *or disenrollment correspondence, all notices and forms, and any*  
28 *appointment-related information. The document shall also be*  
29 *mailed to all insureds in at least one separate mailing on June 1*  
30 *of each year.*

31 *(c) Every insurer shall, upon distribution pursuant to subdivision*  
32 *(b), include on the document the insurer's specific toll-free*  
33 *telephone number for purposes of assisting insureds in arranging*  
34 *those services.*

35 *(d) The department shall monitor insurer compliance with this*  
36 *section as part of its regular auditing and oversight process.*

37 ~~SECTION 1. Section 1367.041 is added to the Health and~~  
38 ~~Safety Code, to read:~~

39 ~~1367.041. Notwithstanding Section 1367.0405 or any other~~  
40 ~~provision of law, all disclosures required by this chapter by health~~

1 ~~care service plans relating to enrollee benefits and cost-sharing~~  
2 ~~shall be made available to consumers in the 12 most prominent~~  
3 ~~languages spoken in California. The director shall enforce this~~  
4 ~~requirement.~~

5 SEC. 2. ~~Section 10133.81 is added to the Insurance Code, to~~  
6 ~~read:~~

7 ~~10133.81. Notwithstanding Section 10133.8 or any other~~  
8 ~~provision of law, all disclosures required by this part by health~~  
9 ~~insurers relating to insured benefits and cost-sharing shall be made~~  
10 ~~available to consumers in the 12 most prominent languages spoken~~  
11 ~~in California. The commissioner shall enforce this requirement.~~

12 SEC. 3. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.